

1 THE WITNESS: But yes, it should have been
2 separated into one folder in that group.

3 BY MR. SCHWANINGER:

4 Q Now I notice the money order is stapled to that
5 particular 574, but I don't see stapled to it page 5.

6 A Okay. I don't see that either.

7 Q All right. So your records apparently don't
8 reflect that page 5 goes with page 4 or that 574 you have
9 right now?

10 A Yes. Here it is. I found the page 5.

11 Q And they were filed together with your files?

12 A Yes.

13 Q How do you know page 5 goes together with page 4,
14 or if you will, your 574?

15 A Well, it's an assignment of KCG967, which is
16 indicated on the 574.

17 Q And it would be item whatever it is 31 or
18 whatever?

19 A Thirty-six.

20 Q Thirty-six. Thank you.

21 On the money order?

22 A Yes.

23 Q You've got -- underneath the line that says
24 "Federal Communications Commission," I see the name Olen
25 Ervin?

1 A Yeah, you see Olen Ervin, and I'll explain what
2 happened there.

3 Q Thank you.

4 A I know that's a little confusing, and bear in mind
5 that what you have is a copy of the -- copy of a money
6 order. This is not the actual money order. This is the
7 little duplicate slip, the carbon copy.

8 I had a customer in Arkansas that I was doing some
9 work for, and I had -- I had purchased a money order to do
10 an application for him and for one reason or another he
11 decided that he didn't want to do the application, and so I
12 had two choices. One was to get a refund on the money order
13 that I had purchased, or use it on another application. So
14 I just used it on another application.

15 Now, I scratched it out on the copy but I actually
16 retyped it on the original money order.

17 Q Okay. The document shown on No. 7.

18 MS. LANCASTER: Page 7?

19 MR. SCHWANINGER: Page 7. I'm sorry.

20 THE WITNESS: Yes.

21 BY MR. SCHWANINGER:

22 Q Was a copy of this also in your file?

23 A Yes.

24 Q And how do you know this particular check goes to
25 that particular application?

1 A Well, I know that by invoice number, but I don't
2 know that I have a copy of the invoice with me.

3 Q Okay.

4 A But as it turns out, I do.

5 Q There you go. Not a problem. I just want to make
6 sure everything is straight.

7 Okay, and what's the invoice number you've got
8 there?

9 A The invoice number is 941277.

10 Q And what does the invoice say somebody is being
11 billed for?

12 A The invoice stipulates that there is an FCC
13 application fee, NABER's frequency coordination fee, and my
14 license preparation fee.

15 Q Would you give me those three amounts, please?

16 A Yes. the FCC fee is \$125. The NABER, which is
17 now PCIA, their frequency coordination fee was 125, and my
18 fee was \$300.

19 Q Okay, I direct your attention to No. 8, page 8.
20 Excuse me.

21 A Yes.

22 Q Is a copy of that also in your file?

23 A Yes. Actually, the original I have with me.

24 Q All right.

25 THE WITNESS: This is one of the postcards, Your

1 Honor, that we were talking about that we received from
2 PCIA.

3 JUDGE STEINBERG: Okay, and the color is yellow.

4 THE WITNESS: Yes, this is the one that indicates
5 that the application was received.

6 BY MR. SCHWANINGER:

7 Q All right, and I direct your attention to page 9.
8 Is this also contained in your files?

9 A Yes.

10 Q What is this?

11 A This is an e-mail from the coordinator stating
12 that the application was coordinated on January -- wait a
13 minute, you're look -- yeah, on January the 11th of '95, and
14 filed with the FCC on February the 1st of '95.

15 Q I'm not seeing those dates. Help me out here.

16 A Your page 9?

17 Q I'm on page 9.

18 A Okay. Look down, you see the control number?

19 Q Yes.

20 A Application received in coordination, application
21 being processed, e-mail address, coordinated --

22 Q I see.

23 A -- 1-11-95, filed with the FCC.

24 Q And this is by e-mail from --

25 A PCIA.

1 Q -- PCIA?

2 A Yes.

3 Q All right, I direct your attention to page 10.

4 Was this also contained inside your files?

5 A Yes.

6 JUDGE STEINBERG: And that's your handwriting?

7 THE WITNESS: Yes, Your Honor.

8 BY MR. SCHWANINGER:

9 Q Direct your attention to page 11. Is this also
10 inside your file?

11 A Yes.

12 Q How do you know this goes along with the
13 application we have been referring to under Exhibit 13?

14 A Because it refers to control number 9434601115,
15 which is referenced on page 10, and also on page 9 it's the
16 same control number, and also on page 8.

17 Q And lastly, page 12, was this located inside your
18 file?

19 A Yes.

20 JUDGE STEINBERG: Look at the -- what's still in
21 your hand. That might be the original. Is that the
22 original?

23 THE WITNESS: Yes, Your Honor, it is.

24 JUDGE STEINBERG: Okay. That's easier to read.

25 THE WITNESS: Yes.

1 BY MR. SCHWANINGER:

2 Q What's the difference between page 11 and page 12
3 as to the documents, if any?

4 A What's the difference in the two?

5 Q Yes.

6 A Page 12 is an applicant copy. Page 11 is a dealer
7 copy.

8 Q Do you have the original of the applicant copy in
9 your files?

10 A I've got the -- I've got the original of the
11 dealer copy, and if I'm not mistaken, at that time
12 NABER/PCIA sent the dealer copy to me, the contact person.
13 In lieu of a dealer, I was the contact person. And the
14 applicant copy should have gone directly to the applicant,
15 and I notice here on my original or the applicant copy it
16 has a fax header on it from Metroplex Two Way Radio.

17 Q Okay.

18 JUDGE STEINBERG: Yeah, it shows --

19 THE WITNESS: So that's why I got that.

20 JUDGE STEINBERG: This is page 12, the -- well, we
21 can see the --

22 THE WITNESS: Yeah, you can't see it very well.

23 JUDGE STEINBERG: -- fax head on the photocopy on
24 page 12. The only thing it says June dash, 1 dash, '95,
25 THU, probably for Thursday, 12:36, Metroplex Two Way Radio

1 P.01.

2 MR. SCHWANINGER: I have no objection to the
3 admission of this.

4 JUDGE STEINBERG: Mr. Pedigo?

5 MR. PEDIGO: No objection.

6 JUDGE STEINBERG: Okay, Exhibit 13 is received.
7 And of course, you can ask in this round any questions you
8 want on Exhibit 13, and so can Bureau Counsel. I should
9 have pointed out before Bureau Counsel started that this
10 hadn't been received.

11 (The document referred to,
12 previously identified as
13 Enforcement Bureau Exhibit No.
14 13, was received in evidence.)

15 REDIRECT EXAMINATION (Resumes)

16 BY MR. KNOWLES-KELLETT:

17 Q I think that you testified -- you indicated off
18 the record you had a reason why the fee was 125 that was
19 included with this application?

20 JUDGE STEINBERG: Is that important for the record
21 to know how much the fee is?

22 MR. KNOWLES-KELLETT: I just wanted the record to
23 note that he had an explanation, that this check did go with
24 this application because I think it was left open before.

25 JUDGE STEINBERG: Okay.

1 THE WITNESS: I believe that that was the renewal
2 fee on an 800 megahertz application at that time.

3 BY MR. KNOWLES-KELLETT:

4 Q So this application appears to be a renewal amount
5 and an assignment; is that correct?

6 A Yes, it's an assignment, a renewal, a modification
7 of location, and increasing the mobile units.

8 Q Okay.

9 (Pause.)

10 BY MR. KNOWLES-KELLETT:

11 Q I think you testified generally regarding on what
12 PCIA would send applicants and what the FCC would send to
13 applicants in the normal course of business; is that
14 correct?

15 A Yes.

16 Q Okay. You don't know, in fact, if any of that was
17 sent in this case? You don't know either way, right?

18 I mean in the -- I'm talking about the applicants
19 on Exhibit 66 now. I'm sorry.

20 A Oh. No, I do not.

21 Q Okay. Did you ever sent written communication to
22 them or receive any from them?

23 A No.

24 Q To the applicants listed on 66, other than
25 Metroplex?

1 A Other than Metroplex, no.

2 Q Okay. Did you ever receive any monies from the --
3 from anyone other than Metroplex?

4 A No.

5 May I add one thing here?

6 You asked -- I think you asked if I received any
7 correspondence regarding those applications?

8 Q From the applicants listed.

9 A Oh, from the applicants?

10 Q Right.

11 A No. No, I -- the thing that I did receive is e-
12 mails from the frequency coordinator.

13 Q Regarding the applications?

14 A Yes.

15 Q Okay.

16 (Pause.)

17 JUDGE STEINBERG: Off the record.

18 (Pause off the record.)

19 BY MR. KNOWLES-KELLETT:

20 Q Mr. Romney asked you some questions about managed
21 stations and proprietary, whether -- if you have an
22 understanding of managed stations.

23 Do you recall any discussions all with Mr. Brasher
24 regarding managed stations and the requirements for managed
25 stations?

1 A No.

2 Q Okay. Did you have any discussions like that with
3 Mr. Brasher?

4 A No.

5 Q Okay. Okay, on the certification on the
6 applicant's license, when you see a signature there you
7 assume that it's signed by the applicant; is that what your
8 testimony was?

9 A Yes.

10 Q Okay. If you had any reason to know that the
11 certification was no in fact signed by the actual applicant,
12 would you submit that application?

13 A Are you asking if I knew it was a fraud or a
14 forgery or something?

15 Q If you knew that that was not their actual -- I'm
16 not asking for the legal conclusion, fraud, forgery or
17 anything else.

18 If you know that that's not the signature of the
19 person, would you submit it?

20 A No, I would not submit it.

21 Q Okay. Would you have never advised anybody to
22 submit it?

23 A No.

24 Q Regarding all the names the Judge asked you,
25 Pittencrieff, Madback, do you recall the others?

1 A Yes, I was aware of all of them but one.

2 Q Did you have any discussion with Ron Brasher
3 regarding those people filing in multiple names?

4 A No.

5 Q Any filing using multiple addresses?

6 A No.

7 MR. KNOWLES-KELLETT: Okay, pass the witness, Your
8 Honor.

9 RE CROSS-EXAMINATION

10 BY MR. SCHWANINGER:

11 Q I'm going to return you back to the question of
12 Pittencrieff and the other licensees that were mentioned.

13 If Pittencrieff were licensing facilities in other
14 peoples' names, would you have any reason to know it?

15 A No.

16 Q if Randy Angle that was mentioned earlier was
17 licensing facilities in other peoples' names for the purpose
18 of managing those facilities, would you have any way of
19 knowing that?

20 A No, I would not.

21 Q So therefore what you are saying is is you
22 don't -- you really don't know whether or not these
23 particular entities were engaging in that type of practice;
24 is that correct?

25 A That's correct. I really don't know.

1 Q All right. But it's also your testimony that you
2 know people do manage facilities that are in other peoples'
3 names, correct?

4 A Yes.

5 Q All right. Back in Exhibit 13, and I think you
6 will remember this, you don't even have to refer to it, we
7 referred to part of the correspondence from NABER -- well,
8 just to be official here, pages 11 and 12 that show the
9 document that was received by NABER and it's referred to as
10 a frequency recommendation notice.

11 Do you see those two?

12 A Yes.

13 Q Let me make sure I've got this straight. Is it
14 your testimony that the applicant copy is sent to the
15 applicant?

16 A That's my understanding.

17 Q All right. And you would receive the dealer copy?

18 A At that time that was also my understanding, that
19 in lieu of a dealer preparing that on behalf of someone,
20 Spectrum License did as the contact person, so we received
21 the dealer copy.

22 Q Why would NABER have -- if you know, why would
23 NABER or in this case -- well, it was NABER at the time.
24 Why would NABER have a separate copy named dealer and
25 another one named applicant?

1 A Gee, I don't know.

2 Q I won't ask you to speculate.

3 MR. SCHWANINGER: No further question.

4 JUDGE STEINBERG: Mr. Pedigo?

5 MR. PEDIGO: No further questions, Your Honor.

6 JUDGE STEINBERG: Okay, you are excused then, Mr.

7 Black.

8 (Witness excused.)

9 JUDGE STEINBERG: And we will go off the record
10 now.

11 (Whereupon, at 12:15 p.m., the hearing in the
12 above-entitled matter was recessed, to resume at 1:30 p.m.,
13 this same day, Wednesday, March 7, 2001.)

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 A F T E R N O O N S E S S I O N

25 (1:30 p.m.)

Heritage Reporting Corporation
(202) 628-4888

1 JUDGE STEINBERG: Okay, we're the record now.

2 I would just like to note for the record that the
3 Bureau has handed out Exhibit 13, two additional pages which
4 they have numbered 4(a) and 4(b), and these are to go behind
5 page 4 of Exhibit 13. Page 4(a), I believe, is the bottom
6 half of that form; is that correct?

7 MR. KNOWLES-KELLETT: That's correct.

8 JUDGE STEINBERG: And page 4(b) is -- the form
9 was, I think, eight and a half by 14 inches, and page 4(b)
10 is a reduction to that. Whoever wants to can see the whole
11 form on one page. And without objection those two pages are
12 going to be received.

13 MR. ROMNEY: No objection.

14 MR. PEDIGO: No objection.

15 JUDGE STEINBERG: So that makes Exhibit 13 a 14-
16 page document.

17 Okay, any other preliminary matters?

18 (No response.)

19 JUDGE STEINBERG: Okay, Mr. Sumpter, could you
20 please stand and raise your right hand?

21 MR. SUMPTER: Yes, sir.

22 //

23 //

24 Whereupon,

25 JIM SUMPTER

1 having been duly sworn, was called as a witness
2 and was examined and testified as follows:

3 JUDGE STEINBERG: Okay, please be seated.

4 And Mr. McVeigh, do you want to enter your
5 appearance?

6 MR. MCVEIGH: John McVeigh on behalf of Jim
7 Sumpter.

8 JUDGE STEINBERG: Thank you.

9 DIRECT EXAMINATION

10 BY MR. KNOWLES-KELLETT:

11 Q Would you please state your full name for the
12 record?

13 A Yes, sir. It's Jim Sumpter.

14 Q Good afternoon, Mr. Sumpter.

15 Could you please state your home address for the
16 record?

17 A It's 4406 Harbinger, Mesquite, Texas.

18 Q Okay, and your work address?

19 A It's 18601 LBJ Freeway, Suite 500, Mesquite,
20 Texas.

21 Q Okay. The people involved -- your wife's name is?

22 A Norma.

23 Q And your two daughter are?

24 A Jennifer and Melissa.

25 Q Okay, who lives at 4406 Harbinger right now?

1 A I don't know.

2 Q Where did you say your address is?

3 A 4406.

4 Q Okay. And who -- my question is which of the four
5 people, Norma, Jim, Melissa and Jennifer, live at 4406
6 Harbinger right now?

7 A Myself and my wife and my aunt live there.

8 Q Okay. And in the 1996, summer of 1996, who lived
9 there?

10 A My -- me, my wife, my daughter, Melissa, and then
11 my aunt moved in there at the end of July.

12 Q Okay. Where do you work?

13 A I'm a self-employed CPA.

14 Q What's the name of your firm?

15 A Sumpter & Dirden.

16 Q Okay. How long have you worked for Sumpter &
17 Dirden?

18 A Well, I started the firm in 1980 or '82.

19 Q Was it called Sumpter & Dirden then?

20 A No, it wasn't call that then. It was just Jim
21 Sumpter, CPA. I believe Sumpter & Dirden came about 1997.

22 Q Are you familiar with DLB Enterprises, Inc.?

23 A Yes, I am.

24 Q Were you their accountant?

25 A Yes, sir.

1 Q What years were you their accountant?

2 A I think, from the inception in 1982 until December
3 26, 1997, I wrote a disengagement letter. I might have done
4 some work after that, but soon after that I did no more work
5 for them.

6 Q Okay. You did year-end close-out work in '97?

7 A Yes.

8 Q Filed a tax return. Okay.

9 Could you describe the scope of the work you did
10 for them?

11 A We did monthly compilations for them; bookkeeping
12 type work; and then we filed the quarterly payroll reports;
13 and the year-end income tax returns.

14 Q Okay. If I refer to that as the accounting
15 function, would you understand what I mean by that?

16 A Yes, sir.

17 Q Would you have also given them advice?

18 A Yes, sir.

19 Q What kind of advice did you give them over the
20 years?

21 A Mostly tax advice.

22 Q Did you -- when they began the corporation, did
23 you give them particular advice?

24 A Yes, sir. If I remember, Pat and I worked
25 together, and I advised them to form a corporation for

1 liability sake.

2 Q Okay. How did you bill DLB Enterprises for your
3 worked?

4 A We billed a flat rate monthly, and then in income
5 tax returns, we billed by time.

6 Q Were there other jobs that were flat rate jobs?

7 A Yes, sir. Quite often compilation work is flat
8 rate.

9 Q Did you give them any advice on hiring and firing
10 of personnel?

11 A No, sir. Only -- only in the way that if it
12 concerned -- say the employment rates.

13 Would you like me to expand on that a little?

14 Q Yes, if you would.

15 A Okay, the idea there is that if we are going to
16 terminate, we need to make sure it's document where it won't
17 be charged against the state unemployment rate that would
18 make their unemployment taxes go up.

19 Q Okay. So it was primarily tax documentation with
20 respect to firing personnel. Is that what you are saying?

21 A Well, that procedures were followed that would not
22 allow that person to draw unemployment if that was the true
23 case.

24 Q If they were getting fired for cause, you wanted
25 it documented?

1 A Right. Exactly.

2 Q Okay. With respect to advice, did you give them
3 advice on large access purchases?

4 A Only tax advice about the timing of the purchase.

5 Q Could you explain what that means?

6 A Well, quite often in a -- most business, you come
7 to the end of the year and you want to make a decision do I
8 want to buy it this year or do I want to wait until next
9 year, that type of thing; do I want to buy it in the current
10 year or do I want to wait until the subsequent year to buy
11 it for the tax reasons.

12 Q For tax reasons. Okay.

13 Did you ever assist them in any sales to customers
14 in any way?

15 A No, sir. We booked the receivable and sales in
16 their books, but I didn't deal with any customers.

17 Q Did you have input at any point on fees that they
18 charged for selling two-way radios, selling the time,
19 selling -- any of their business?

20 A No, sir.

21 Q Any of the fees charged?

22 A No, sir.

23 Q Do you have any knowledge of the radio business?

24 JUDGE STEINBERG: Do you want to make it more
25 narrow?

1 MR. KNOWLES-KELLETT: Okay.

2 BY MR. KNOWLES-KELLETT:

3 Q Do you know what I mean by the radio -- the
4 repeater access business that they were engaged in?

5 A Do you mean do I understand the basic concept of
6 it?

7 Q They put up repeaters and then --

8 JUDGE STEINBERG: Well, don't tell him what they
9 do.

10 MR. KNOWLES-KELLETT: Okay, I'm just defining the
11 term as I'm using it.

12 JUDGE STEINBERG: Well, if he can give an answer
13 to that and quote your words, then it doesn't count because
14 that means you told him the answer.

15 MR. KNOWLES-KELLETT: Okay. What I want to know
16 is his --

17 THE WITNESS: I understand --Brasher

18 BY MR. KNOWLES-KELLETT:

19 Q Do you understand how a repeater works?

20 A I don't understand technically. I know that there
21 is a repeater and that if you dial up on your telephone it
22 has to hit the repeater to go into the line some way. So I
23 know that if I have a radio or telephone that I need a
24 repeater, I understand that much. And I know that they
25 owned repeaters.

1 Q Okay. Did you at one point have a car phone in
2 one of your car phones that operated on one of their
3 repeaters?

4 A Yes, sir.

5 Q Okay. Do you remember what years that was?

6 A Yes, sir. That car phone was put in my daughter's
7 car in 1989, the fall of 1989, and was removed in the fall
8 of 1992.

9 JUDGE STEINBERG: Which daughter?

10 THE WITNESS: I'm sorry. Jennifer.

11 BY MR. KNOWLES-KELLETT:

12 Q Do you know what frequency it operated on?

13 A No, sir.

14 Q If I asked you did it operate on either 800
15 megahertz or 900 megahertz would you --

16 MR. MCVEIGH: Objection; asked and answered.

17 THE WITNESS: I wouldn't know.

18 JUDGE STEINBERG: I'll overrule.

19 THE WITNESS: I wouldn't know.

20 BY MR. KNOWLES-KELLETT:

21 Q From using that car phone, did you have a general
22 idea of what a repeater did?

23 A No, sir. I know the quality was not good on that
24 phone. We thought it was like a radio because it wasn't
25 like a telephone. The quality was very poor.

1 Q Did you understand that when you talked on the
2 phone it went through a DLB repeater and then got hooked
3 into the phone line?

4 A Yes, sir, because quite often someone else that we
5 knew would be on there. It was like a party line back home
6 in the country.

7 Q Okay.

8 A You pick it up and there would a party line.
9 Somebody would be on there talking.

10 Q Did you give them much advice on how to operate
11 their business from a technical radio standpoint?

12 A None.

13 (Pause.)

14 BY MR. KNOWLES-KELLETT:

15 Q How did you know that telephone operated through
16 DLB's repeater?

17 A Well, they installed it and they -- I would hear
18 Pat, Ronald, other people, Diane, talking on the radio when
19 we picked it up, like the party line.

20 Q Okay. So you don't really know that it worked on
21 DLB's repeater?

22 MR. ROMNEY: Objection, Your Honor; leading.

23 MR. KNOWLES-KELLETT: Okay.

24 BY MR. KNOWLES-KELLETT:

25 Q Do know whose repeater it worked on?

1 A No, sir, I don't.

2 Q Okay. What were they -- the people on the party
3 line, what were they talking about, business or personal?

4 A Oh, I couldn't recall that. I think mostly -- I
5 don't know.

6 Q Okay. What information did DLB regularly provide
7 to you as their accountant?

8 A They provided a monthly -- certain items each
9 month, the bank statement, the check stubs. At one time
10 they gave us copies of invoices, and then after the
11 computerized their receivable systems, they gave us
12 printouts of different types of revenue, and any tax form
13 that came that had to be filled out, such as payroll taxes,
14 whatever. This would come to us monthly.

15 Q Do you know when they went to a computerized
16 printout?

17 A No, sir. Talking to my daughter, Jennifer, who
18 worked for me as a bookkeeper during high school and part of
19 college --

20 MR. ROMNEY: Objection, Your Honor; hearsay.

21 JUDGE STEINBERG: The question is do you know.

22 THE WITNESS: No, sir, I don't know exactly.

23 JUDGE STEINBERG: Okay, that's the answer.

24 BY MR. KNOWLES-KELLETT:

25 Q Were there particular life events that indicate to

1 you approximately what year?

2 A Yes, sir. My daughter, Jennifer, stopped working
3 for me as a bookkeeper after she had graduated from college.

4 Q What year was that?

5 A She graduated from college in '94.

6 Q Okay.

7 A And it was -- I believe it was between '94 and '96
8 that it was converted to a computerized system.

9 Q Okay.

10 A Or I'm sorry; between '94 and '97.

11 Q Okay. You finished work at the end of '97; is
12 that correct?

13 A I did all the compilation work through '97, and I
14 did the '97 corporate income tax return that I probably did
15 in January of '98.

16 Q Okay. Did you get computerized printout reports
17 for a substantial period of time before you finished your
18 engagement with --

19 A I would think --

20 MR. ROMNEY: Objection. Objection, Your Honor.
21 Vague and ambiguous to the term "substantial".

22 MR. KNOWLES-KELLETT: I'm just trying to get his
23 best recollection, Your Honor.

24 JUDGE STEINBERG: Leave out the word
25 "substantial".

1 MR. KNOWLES-KELLETT: Okay.

2 BY MR. KNOWLES-KELLETT:

3 Q Do you recall what period of time, whether there
4 was a period of time before you finished your engagement
5 where they were computerized and you no longer got the
6 invoices?

7 A There was a period of time before we disengaged
8 with them that we got the computerized listing. Even at
9 that time we would get some of the invoices if it involved
10 special sales or whatever.

11 JUDGE STEINBERG: Let me also add, Mr. Romney,
12 please wait for counsel to finish his question. I don't
13 think he was completely finished.

14 MR. ROMNEY: I apologize. I can't hear very well
15 when Mr. Kellett is turned that way.

16 JUDGE STEINBERG: Thank you.

17 BY MR. KNOWLES-KELLETT:

18 Q Do you know if it was a few weeks, a few months, a
19 few years before?

20 A I would think two to three years is what I would
21 think. A couple of years, I would think.

22 Q Okay.

23 JUDGE STEINBERG: Okay, wait a minute. This is
24 when they changed to computerized invoicing? Is that what
25 we are talking about?

1 THE WITNESS: Just computerized sequence.

2 JUDGE STEINBERG: Okay. And originally I think
3 you said that they did that somewhere between - what the
4 heck was it? He had like a three-year range.

5 THE WITNESS: Yes, sir.

6 JUDGE STEINBERG: Between '94 and '97. And then
7 we got to Jennifer's graduation in when?

8 THE WITNESS: '94.

9 JUDGE STEINBERG: In '94. So we've got '94 to
10 '97. And now you -- now you talk about you -- that you did
11 their taxes probably in January '98.

12 THE WITNESS: Yes, sir.

13 JUDGE STEINBERG: And did that help -- and then
14 the question was did they computerize a couple of -- a
15 couple weeks, a couple months, a couple years before '98,
16 and now we're going back -- you said two or three --

17 THE WITNESS: Yes, sir, I think it --

18 JUDGE STEINBERG: I mean it seems -- okay, I'm
19 sorry. I cut you off.

20 THE WITNESS: No problem.

21 Jennifer graduated from college in August '94.
22 And before she graduated, she did a lot of the bookkeeping
23 on this account.

24 MR. ROMNEY: I'm having trouble hearing you.

25 THE WITNESS: I'm sorry. And she remembers that

1 when she was there she ran these long tapes --

2 JUDGE STEINBERG: Well, do you remember?

3 THE WITNESS: Yes, sir.

4 JUDGE STEINBERG: Okay, you remember seeing her
5 run these long tapes?

6 THE WITNESS: Yes, sir.

7 JUDGE STEINBERG: On DLB's account?

8 THE WITNESS: Yes, sir, in the invoices, right.

9 JUDGE STEINBERG: Okay.

10 THE WITNESS: And she doesn't remember -- she
11 always remembers running those tapes. And then later they
12 computerized the receivable system. Then we had
13 computerized reports to pull certain totals off them. We
14 didn't have to run the tapes.

15 That's why I think it's between '94 and the time I
16 left in '97 that they changed.

17 JUDGE STEINBERG: So it was closer to '94 than
18 '97, or you just don't know?

19 THE WITNESS: I don't know. Somewhere in that
20 period.

21 MR. KNOWLES-KELLETT: Okay.

22 JUDGE STEINBERG: He doesn't know.

23 MR. KNOWLES-KELLETT: I would like to see if I
24 could characterize what you are saying.

25 BY MR. KNOWLES-KELLETT:

1 Q You are saying that you are fairly certain, I
2 believe, that it was between '94 and '97 because Jennifer
3 didn't do the computer tape, didn't see the computer
4 reports, and you know that you saw them before you left?

5 A Yes.

6 Q Okay?

7 A I'd say that's right.

8 Q Now, you have a fuzzier recollection that there
9 was a period of time before you left when you worked from
10 the computer tapes?

11 MR. ROMNEY: Objection, Your Honor; leading.

12 MR. KNOWLES-KELLETT: Okay, I will withdraw the
13 question, Your Honor.

14 JUDGE STEINBERG: He doesn't know.

15 MR. KNOWLES-KELLETT: Okay.

16 (Pause.)

17 BY MR. KNOWLES-KELLETT:

18 Q Okay, how checking accounts are used in DLB's
19 business? Do you know?

20 MR. ROMNEY: Objection, Your Honor; vague and
21 ambiguous. There is no time context given.

22 BY MR. KNOWLES-KELLETT:

23 Q In the time frame '96-97.

24 A I believe one during the time that I worked on
25 their account. I believe one.